

U.S. Patent 6,353,038
DECLARATION OF KAISA SUOMINEN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent 6,353,038

Allan AHO et al.

Serial Number: 09/446,630

Issued: March 5, 2002

For: NOVEL PLASTIC BASED COMPOSITE AND ITS USE

DECLARATION OF KAISA SUOMINEN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Kaisa SUOMINEN, hereby declare as follows:

1. I am a partner at Turun Patentitoimisto Oy ("Turun"), a Finnish intellectual property law firm. I am a European patent attorney, and served as Managing Director of Turun from June 2007 to August 2012. I have practiced intellectual property law since 1998, and am generally familiar with the maintenance fee requirements for U.S. patents. My curriculum vitae is attached.

2. Vivoxid Oy ("Vivioxid") is a Turun client. My colleague, Mr. Kim Roering, and I worked to obtain patent protection for the inventions Vivoxid entrusted to Turun. From time to time we would meet with Vivoxid to discuss drafting of patent applications for Vivoxid inventions and/or Official Actions issued during prosecution of specific patent applications of Vivoxid. We met with Mr. Jimmy Lucchesi from Fall, 2008 to December,

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2009, and subsequently with Dr. Jukka Tuominen. These meetings generally did not deal with maintenance fee payments for issued U.S. patents, as such payments were the responsibility of Patrafee Oy Ab ("Patrafee"), a commercial annuity payment company.

3. On information and belief, Vivoxid split into two companies, Vivoxid and BonAlive Biomaterials Ltd. ("BonAlive"), in late 2009. Mr. Lucchesi became an employee of BonAlive at this time. Responsibility for Vivoxid's IP matters, including maintenance fee payments, was transferred to Dr. Jukka Tuominen.

Patrafee's Confirmation Letter

4. From time to time prior to June 9, 2009 Turun would receive a copy of a letter from Patrafee informing us a U.S. patent owned by one of Turun's clients was to be abandoned by non-payment of the next maintenance fee. These letters were addressed to our client, recited the patent number, assignee and our docket number for that particular patent.

5. Turun received a letter from Patrafee dated June 9, 2009 stating that Vivoxid's U.S. Patent 6,353,038 ("the '038 patent") was to be abandoned (Exhibit 7).

6. I reviewed Exhibit 7 on June 15, 2009. There was no reason to question Exhibit 7 because it is typical of the letters Turun received from Patrafee in the past, and because Patrafee was responsible for payment/nonpayment of maintenance fees rather than Turun. Accordingly, Exhibit 7 was scanned into Turun's electronic file for the '038 patent, reviewed by me and the status was consequently changed to "abandoned".

The January 2010 Joint Meeting

7. I attended a meeting with Mr. Lucchesi, Dr. Tuominen, Mr. Roering and Ms. Paivi Salonen, a Turun trademark specialist, on January 19, 2010 ("Joint Meeting") to discuss BonAlive's creation, the resulting changes to Vivoxid and how Vivoxid's intellectual property portfolio was to be divided between the two companies. Exhibit 12 is a memorandum which summarizes the Joint Meeting.
8. The third portion of the Joint Meeting focused on the allocation of each Vivoxid patent family between Vivoxid and BonAlive based on their respective business activities, and whether to maintain or abandon certain of these patent families.
9. The parties agreed Vivoxid would continue to own the Sulamuovi patent family. There was no discussion of the '038 patent, which is part of Vivoxid's Sulamuovi patent family, during the Joint Meeting.
10. I did not review Turun's electronic file for the '038 patent in preparation for or during the Joint Meeting.
11. The Joint Meeting was held 7 months after I reviewed Exhibit 7. As noted above, we did not discuss the '038 patent during the Joint Meeting, and I did not realize or recall it had been abandoned when we discussed the Sulamuovi patent family.
12. Three months later, in April 2010, Turun received a Notice of Patent Expiration for the '038 patent (Exhibit 10).
13. Exhibit 10 was scanned it into our '038 patent file and reviewed by Ms. Satu Kuorikoski, my assistant in charge of matters relating to Vivoxid. She had no reason to question Exhibit 10 because our '038 patent file was already marked "abandoned" and

contained Patrafee's confirmation letter (Exhibit 7). In accordance with Turun's procedures, Ms. Kuorikoski did not bring Exhibit 10 to my attention.

14. After June 15, 2009, I do not recall reviewing the '038 patent file until about March 29, 2012, when Dr. Tuominen requested information on this patent.

15. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. These statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '038 patent.

Signed this 3rd day of November, 2012.



Kaisa Suominen

Enclosure:

Curriculum Vitae of Kaisa Suominen

CURRICULUM VITAE

5.11.2012



Name Suominen, Kaisa Liisa

Date and place of birth 27.9.1972, Nakkila, Finland

Working experience

Patent Attorney	Turun Patenttitoimisto Oy	15.5.2001 –
Managing Director	Turun Patenttitoimisto Oy	1.7.2007 – 31.8.2012
Patent Attorney	Berggren Oy Ab, Helsinki	2.11.1998 – 14.5.2001
Diploma worker	Borealis Polymers Oy, Porvoo	
	Polymer Development	12.1.1998 – 22.9.1998
Trainee	Borealis Polymers Oy, Porvoo	summers 1994 – 1997

Education

Studies of Plastics Technology	Tampere University of Technology, M. Sc. (Mat. Eng.)	1995 – 1998
Studies of chemistry	Université Louis Pasteur, Strasbourg, France DEUG Chemistry	
Baccalaureate	A year in Licence (Chemistry) Lycée Bartholdi, Colmar, France	1992 – 1995 23.7.1992

Languages

Finnish	Mother tongue
French	Comparable to mother tongue
English	Fluent
German	Passable

Professional Qualifications

- Registered Finnish Patent Agent
- Registered European Patent Attorney (EQE 2003)
- Ceipi epi Course on Patent Litigation in Europe (2006-2007)

Membership in following Professional Organizations

- Suomen Teollisoikeudellinen yhdistys (Finnish AIPPI)
- Patentti-insinöörit ry (The Finnish Association for Patent Practitioners in the Finnish Industry)
- Suomen Patenttiasiamiesyhdistys ry (The Finnish Association for Patent agents)
- epi (European Patent Institute)

Special fields of Expertise

- Plastics technology, Chemistry